

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TWIN COUNTY HVAC/ REFRIGERATION,  
LLC,

Plaintiff,

-against-

**ORDER**

CV 10-2277 (LDW)(ARL)

AHOLD U.S.A. INC., et al.,

Defendants.

-----X  
**LINDSAY, Magistrate Judge:**

Before the court is the defendant's letter motion dated September 27, 2013, seeking to compel the plaintiff to respond to its third set of discovery demands and oral request for the production of documents made on the record during the deposition of Michael Boltz. The plaintiff opposes the motion by letter dated September 30, 2013. For the reasons set forth below, the motion is granted.

By order dated August 21, despite the plaintiff's opposition, the court extended the discovery deadline to September 27, for the limited purpose of conducting discovery based upon recently discovered information. On August 23, the defendant served plaintiff with its third set of discovery demands. On August 27, the defendant also orally requested documents on the record at the deposition of Michael Boltz. The plaintiff has not responded to either request. The plaintiff contends that the defendant's motion is premature because it has sought permission to file a motion striking the defendant's answer. The plaintiff is incorrect. Absent a stay of discovery, the court expects the parties to complete discovery notwithstanding the plaintiff's anticipated motion. With respect to the discovery requested at the deposition, the plaintiff contends that it has demanded, but has not received, a copy of the deposition transcript and would like to confirm which documents remain outstanding.

Accordingly, the defendant is to provide the plaintiff with a copy of the transcript by October 15, 2013. The plaintiff is directed to respond to all outstanding discovery by October 21, 2013.

Dated: Central Islip, New York  
October 10, 2013

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge